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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)



Declaration  
Submitted  
with Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

279170020022

First Named Inventor

Robert B. Rutherford

**COMPLETE IF KNOWN**

Application Number

Filing Date

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ULTRA-THIN FLEXIBLE EXPANDED GRAPHITE HEATING ELEMENT**

"Express Mail" Mailing Label NO. 243778800US

Date of Deposit October 24, 2003

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By

*Sacconi Oliver*

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**DECLARATION — Utility or Design Patent Application**Direct all correspondence to: ☐ Customer Number or Bar Code Label  OR ☒ Correspondence address below

BARBARA E. ARNDT, PH.D., PATENT AGENT

Name

JONES, DAY, REAVIS &amp; POGUE

Address

North Point, 901 Lakeside Avenue

CLEVELAND

City

OH

State

44114

ZIP

US

Country

(216) 586-7575

Telephone

(216) 579-0212

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : ☐ A petition has been filed for this unsigned inventorGiven Name ROBERT B.  
(first and middle (if any))Family Name RUTHERFORD  
or SurnameInventor's  
Signature

Date 5/10/2002

KIRTLAND

Residence: City

OH

State

US

Country

US

Citizenship

8833 Quail Circle

Mailing Address

Kirtland

City

OH

State

44094

ZIP

US

Country

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventorGiven Name RICHARD L.  
(first and middle (if any))Family Name DUDMAN  
or SurnameInventor's  
Signature

Date 5/10/2002

EUCLID

Residence: City

OH

State

US

Country

US

Citizenship

1705 East 238th Street

Mailing Address

Euclid

City

OH

State

44117

ZIP

US

Country

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



**CORRECTED  
NOTICE**

FEBRUARY 03, 2003

PTAS

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

JONES, DAY, REAVIS, ET AL  
JACQUELINE M. O'BRIEN  
901 LAKESIDE AVENUE  
CLEVELAND, OH 44114



\*102348825A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/13/2002

REEL/FRAME: 013340/0930  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
RUTHERFORD, ROBERT B.

DOC DATE: 05/10/2002

ASSIGNOR:  
DUDMAN, RICHARD L.

DOC DATE: 05/10/2002

ASSIGNEE:  
EGC ENTERPRISES, INC.  
140 PARKER COURT  
CHARDON, OHIO 44024

SERIAL NUMBER: 10144493  
PATENT NUMBER:

FILING DATE: 05/13/2002  
ISSUE DATE:

DOROTHY WILLIAMS, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

*MRD*  
*5/13/02*

01-29-2003

Form PTO-1595 (Rev. 03/01)  
OMB No. 0851-0027 (exp. 5/31/2002)  
Tab settings ☐ ☐ ☐

102348825

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): Robert B. Rutherford Richard L. Dudman</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: <u>5/10/2002</u></p>	<p>2. Name and address of receiving party(ies) Name: <u>EGC Enterprises, Inc.</u> Internal Address: _____ _____ _____ Street Address: <u>140 Parker Court</u> _____ City: <u>Chardon</u> State: <u>OH</u> Zip: <u>44024</u> Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	--

<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: <u>5/13/2002</u> A. Patent Application No.(s) <u>10/144493</u> _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>B. Patent No.(s) _____ _____</p>
---	---

<p>5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Jacqueline M. O'Brien</u> Internal Address: <u>Jones, Day, Reavis &amp; Pogue</u> <u>North Point</u> _____ Street Address: <u>901 Lakeside Avenue</u> _____ City: <u>Cleveland</u> State: <u>OH</u> Zip: <u>44114</u></p>	<p>6. Total number of applications and patents involved: <input type="checkbox"/></p> <p>7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: <u>50-1432 - over/under payment</u> <i>See OK</i></p>
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9. Signature.  
Jacqueline M. O'Brien (216) 586-1309  
Name of Person Signing  
File: 279170-020022  
Signature: *Jacqueline M. O'Brien*  
Date: 5/13/2002  
Total number of pages including cover sheet, attachments, and documents: 3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## ASSIGNMENT (Joint)

WHEREAS, we, the undersigned, have made new and useful inventions and improvements in  
**ULTRA-THIN FLEXIBLE EXPANDED GRAPHITE HEATING ELEMENT.**

and are the subject of a patent application prepared for filing in the United States Patent and Trademark Office, and executed by the undersigned on the dates indicated below in the appropriate spaces to the left of the signature of the undersigned, which application is further identified as Jones, Day, Reavis & Pogue Docket No. 279170-020022.

WHEREAS, EGC ENTERPRISES, INC., a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 140 Parker Court, Chardon, Ohio 44024, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in and to said inventions and improvements including the patent rights therefor.

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest, in the United States and throughout the world, in, to and under said improvements and inventions and all patents, patent applications, patent rights, and inventor's certificates thereof, therefor, and therein, including without limitation said application for patent in the United States, all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted for said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary, or desirable to secure for or vest in assignee, its successors or assigns, any improvement, inventions, right, title, interest, application, patent, patent right or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title and interest in, to, and under the same.

The undersigned hereby grants the firm of Jones, Day, Reavis & Pogue the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

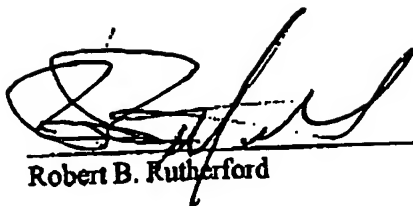
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Date of Deposit May 13, 2002

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By Jacques M. O'Brien

Page 1 of 2

Date: 5-10-02Residing and Having a  
Post Office Address at:
  
 Robert B. Rutherford  
 8833 Quail Circle  
 Kirtland, Ohio 44094


STATE OF OHIO )

COUNTY OF Lake )


) ss:

The above named Robert B. Rutherford, known to me, appeared before me this 10 day of May, 2002, and acknowledged that the foregoing instrument was executed by him as his free act and deed for the uses and purposes therein set forth.

 BETTY HARWOOD  
 MY COMMISSION EXPIRES MAY 23, 2005  
 RECORDED IN LAKE COUNTY

  
 Notary Public

Notarial Seal

Date: 5-10-02Residing and Having a  
Post Office Address at:
  
 Richard L. Dudman  
 1705 East 238<sup>th</sup> Street  
 Euclid, Ohio 44117

STATE OF OHIO )

COUNTY OF Lake )

) ss:

The above named Richard L. Dudman, known to me, appeared before me this 10 day of May, 2002, and acknowledged that the foregoing instrument was executed by him as his free act and deed for the uses and purposes therein set forth.

 BETTY HARWOOD  
 NOTARY PUBLIC STATE OF OHIO  
 MY COMMISSION EXPIRES MAY 23, 2005  
 RECORDED IN LAKE COUNTY

  
 Notary Public

Notarial Seal

Page 2 of 2

**GENERAL POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTORS UNDER 37 C.F.R. 3.71**

The undersigned Assignee hereby designates the following as its correspondence address and telephone number:

Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-3939

and appoints the following as its attorneys with full power of substitution and revocation, to prosecute all patent applications for which the undersigned Assignee is or will become the assignee of record of the entire right, title and interest, and to transact all business in the Patent and Trademark Office connected therewith:

Kenneth R. Adamo, Registration No. 27,299; Barbara E. Arndt, Registration No. 37,768; Michael R. Asam, Registration No. 51,417; John V. Biernacki, Registration No. 40,511; David B. Cochran, Registration No. 39,142; Lorri W. Cooper, Registration No. 40,038; Regan J. Fay, Registration No. 26,878; F. Drexel Feeling, Registration No. 40,602; Paul E. Franz, Registration No. 45,910; Calvin P. Griffith, Registration No. 34,831; David M. Maiorana, Registration No. 41,449; Timothy J. O'Hearn, Registration No. 31,552; Mitchell Rose, Registration No. 47,906; Joseph M. Sauer, Registration No. 47,919; Stephen D. Scanlon, Registration No. 32,755; Jenny L. Sheaffer, Registration No. 45,099; H. Duane Switzer, Registration No. 22,431; Michael W. Vary, Registration No. 30,811; and James L. Wamsley, III, Registration No. 31,578;

all having the above designated address, provided that, if any appointed attorney ceases to be affiliated with the law firm of Jones Day, then the appointment of such attorney and all powers derived therefrom shall terminate on the date such attorney ceases to be so affiliated.

In accordance with 37 C.F.R. 3.71, this appointment is to the exclusion of the inventors and their attorneys.

An assignment of the entire interest in application no. 10/144,495 filed 5/13/2002:

[X] was recorded on May 13, 2002 at reel/frame 013340/0930.

[ ] is submitted herewith for recording.

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Date of Deposit October 24, 2003

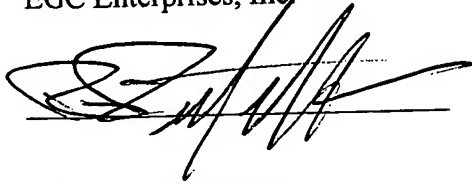
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By *Stephen J. O'Brien*

Please direct all correspondence for this application to customer no. \_\_\_\_\_

ASSIGNEE: EGC Enterprises, Inc.

Signature:

A handwritten signature in black ink, appearing to read 'R. B. Rutherford', written over a horizontal line.

Typed Name: Robert B. Rutherford

Position/Title: Partner

Address: 140 Parker Court  
Chardon, Ohio 44024

Date: May 15, 2002



37 CFR 3.73(b) Statement

Attached is a copy of the Assignment of the previous application showing the chain of title from the inventor(s) to the assignee.



Barbara E. Arndt, Ph.D.  
Registration No. 37,768  
Agent for Assignee

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By Stephen Jones